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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,310	02/14/2006	Marcus Schorpp	915-005.205	3389
4955	7590	08/20/2008		
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP			EXAMINER	
BRADFORD GREEN, BUILDING 5			SAHLE, MAHIDERE S	
755 MAIN STREET, P O BOX 224				
MONROE, CT 06468			ART UNIT	PAPER NUMBER
			2873	
			MAIL DATE	DELIVERY MODE
			08/20/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/568,310	SCHORPP, MARCUS	
	<b>Examiner</b>	<b>Art Unit</b>	
	MAHIDERE S. SAHLE	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 May 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2 and 4-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 2 and 4-10 is/are allowed.  
 6) Claim(s) 11-16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

Claims 2, 4-16 are pending in this application.

### ***Allowable Subject Matter***

Claims 2, 4-10 are allowed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Guscho (WO 01/48531).

Regarding claim 11, Guscho discloses a method for use in a light modulating device having at least one cell (pg. 2), comprising: transferring, in a first temporal phase, at least part of a electrical charge stored in a signal electrode structure (3) of said cell to an enhancement electrode structure (42/43/47) of said cell (see figures 22a-24, pgs. 49-51), generating an enhancement signal voltage between the enhancement electrode structure (42/43/47) and the signal electrode structure (3) using substantially only the electrical charge transferred from the signal electrode structure (3) to the enhancement electrode structure (42/43/47) (see figures 22a-24, abstract, pgs. 49-52), wherein the signal electrode structure (3) being arranged opposing a

support electrode structure (6) of said cell such that two dielectric layers (4, 5) meeting at an interface (see figures 22a-b), at least one of said layers having a viscoelastic relief forming material (abstract), are located between the support electrode structure (6) and the signal electrode structure (3), and the enhancement electrode structure (42/43/47) being arranged in the proximity of the signal electrode structure (3) (see figures 22a-24).

Regarding claim 12, Guscho discloses further comprising: discharging, in a second temporal phase, at least part of the electric charge stored in the signal electrode structure (3) without affecting the electric charge stored in the enhancement electrode structure (42/43/47) (see figures 22a-24, pgs. 20, 49-51).

Regarding claim 13, Guscho discloses further comprising: discharging substantially simultaneously, in a third temporal phase, at least part of the electric charge stored in both the signal electrode structure (3) and the enhancement electrode structure (42/43/47) (see figures 22a-24, pgs. 20, 49-51).

Regarding claim 14, Guscho discloses a light modulating device having at least one cell (pg. 2), comprising: means for transferring, in a first temporal phase, at least part of a electrical charge stored in a signal electrode structure (3) of said cell to an enhancement electrode structure (42/43/47) of said cell (see figures 22a-24, pgs. 49-51), and means for generating an enhancement signal voltage between the enhancement electrode structure (42/43/47) and the signal electrode structure (3) using substantially only the electrical charge transferred

from the signal electrode structure (3) to the enhancement electrode structure (42/43/47) (see figures 22a-24, abstract, pgs. 49-52), wherein the signal electrode structure (3) being arranged opposing a support electrode structure (6) of said cell such that two dielectric layers (4, 5) meeting at an interface (see figures 22a-b), at least one of said layers having a viscoelastic relief forming material (abstract), are located between the support electrode structure (6) and the signal electrode structure (3), and the enhancement electrode structure (42/43/47) being arranged in the proximity of the signal electrode structure (3) (see figures 22a-24).

Regarding claim 15, Guscho discloses further comprising: means for discharging (41), in a second temporal phase, at least part of the electric charge stored in the signal electrode structure (3) without affecting the electric charge stored in the enhancement electrode structure (42/43/47) (see figures 22a-24, pgs. 20, 49-51).

Regarding claim 16, Guscho discloses further comprising: means for discharging (41) substantially simultaneously, in a third temporal phase, at least part of the electric charge stored in both the signal electrode structure (3) and the enhancement electrode structure (42/43/47) (see figures 22a-24, pgs. 20, 49-51).

#### ***Response to Arguments***

Applicant argued that "the entire electrode 42 is functionally equivalent to the one-piece signal electrode 3 in Figure 1."

In addition to figures 1 and 22a-b, figures 23 and 24 present multiple electrodes connected to multiple switches in order to enhance the sensitivity of the light modulator to control voltages (pages 50-51). Therefore, although figures 1 and 22a-b were insufficient in defining the applicant's invention as stated by the applicant, figures 23 and 24 are applied to overcome applicant's arguments.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAHIDERE S. SAHLE whose telephone number is (571)270-3329. The examiner can normally be reached on Monday thru Thursday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSS  
8/13/2008

/Jessica T Stultz/  
Examiner, Art Unit 2873